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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

RAUL ROSALES-VILLEGRAS.

Defendant.

Case No. 2:23-cr-00044-GMN-VCF

**UNOPPOSED MOTION TO REOPEN
DETENTION HEARING**

(Oral Argument Requested)

Raul Rosales-Villegas, through his attorney, Aden Kebede, Assistant Federal Public Defender, submits this unopposed motion to reopen detention hearing pursuant to 18 U.S.C. § 3145(b) and 18 U.S.C. § 3145(f)(2).¹

Absent leave to do so, a party may move to reopen a detention hearing based on new and material information. 18 U.S.C. § 3142(f). The Bail Reform Act mandates release unless a judge determines that “no condition or combination of conditions will reasonably assure” the defendant’s appearance and the safety of the community. 18 U.S.C. § 3142(b), (e)(1). “Only in rare cases should release be denied, and doubts regarding the propriety of release should be resolved in the defendant’s favor.” *United States v. Gebro*, 948 F.2d 1118, 1121 (9th Cir. 1991). The Government bears the burden to prove by a preponderance of the evidence that no conditions will ameliorate

¹ This Motion for review is timely filed.

1 any flight risk. *Id.* In an illegal reentry case, the only statutory basis for detention is “serious risk”
 2 of flight under § 3142(f)(2)(A). Certain factors must be considered. 18 U.S.C. § 3142(g).²

3 This is an illegal re-entry case. The charge is a violation of 8 U.S.C. § 1326(a) and (b). At
 4 his initial appearance on September 13, 2022, Mr. Rosales submitted to detention without
 5 argument so that he can consider the government’s fast-track offer. The Court ordered detention
 6 as a “serious” flight risk, reasoning in part that “the defendant did not interview with Pretrial
 7 Services, and this Court has no information regarding his background, family or community ties,
 8 employment history, financial status, or any other information that might be used to fashion terms
 9 and conditions of release.”³

10 Ultimately, Mr. Rosales rejected the government’s fast track offer and the government
 11 subsequently indicted on March 7, 2023.⁴ The government does not oppose Mr. Rosales’s motion
 12 to reopen his detention hearing but does oppose his request for release.

13 Therefore, Mr. Rosales respectfully requests that the Court (1) reopen the detention hearing
 14 to consider release conditions, and (2) order Pretrial Services to interview the Mr. Rosales before
 15 the hearing and prepare a complete report.

16 DATED this 17th day of March, 2023.

17 **ORDER**

18 IT IS ORDERED that ECF No. 26 is GRANTED.
 19 IT IS FURTHER ORDERED that pretrial
 services shall interview the Defendant. IT IS
 20 FURTHER ORDERED that this case is set for a
 21 detention hearing on Friday, March 24, 2023
 at 3:30 p.m.

RENE L. VALLADARES

Federal Public Defender

By: /s/ Aden Kebede

ADEN KEBEDE

Assistant Federal Public Defender
 Attorney for Raul Rosales-Villegas

22 IT IS SO ORDERED

DATED: 12:41 pm, March 20, 2023



BRENDA WEKSLER
 UNITED STATES MAGISTRATE JUDGE

23 ² These factors are: (1) the nature and circumstances of the offense charged; (2) the weight
 24 of the evidence against the defendant; (3) the defendant’s character, physical and mental condition,
 25 family ties, employment, financial resources, length of residence in the community, community
 26 ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning
 27 appearance at court proceedings, and criminal history; (4) whether at the time of the current arrest
 the defendant was on probation, on parole, or on other release; and (5) the nature and seriousness
 of the danger to any person or the community that would be posed by the defendant’s release. 18
 U.S.C. § 3142(g).

23 ³ Case No. 2:22-mj-00713-DJA, ECF No. 8

24 ⁴ ECF No. 21.

1 **CERTIFICATE OF ELECTRONIC SERVICE**

2 The undersigned hereby certifies that he is an employee of the Federal Public Defender for
3 the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

4 That on March 17, 2023, he served an electronic copy of the above and foregoing
5 **UNOPPOSED MOTION TO REOPEN DETENTION HEARING** by electronic service (ECF)
6 to the person named below:

7
8 JASON M. FRIERSON
9 United States Attorney
10 Edward G. Veronda
11 Assistant United States Attorney
12 501 Las Vegas Blvd. South
13 Suite 1100
14 Las Vegas, NV 89101

15 */s/ Jeremy Kip*

16 Employee of the Federal Public Defender